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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY 21 1997

Federal Communications Commission
Office of Secretary

In the Matter of

Electronic Filing of Documents
in Rulemaking Proceedings

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GC Docket No. 97-113

**COMMENTS OF THE
CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION**

The Consumer Electronics Manufacturers Association ("CEMA") hereby submits the following comments in response to the Notice of Proposed Rule Making ("*Notice*") which the Commission issued in the above-captioned proceeding on April 7, 1997.¹ In the *Notice*, the Commission has solicited comment on its proposal to allow parties to file comments electronically in all FCC informal notice and comment rulemaking proceedings under Section 553 of the Administrative Procedure Act, except for broadcast allotment proceedings.

As the principal U.S. trade association of the consumer electronics industry, CEMA has a significant interest in this proceeding. CEMA members design, manufacture, import, distribute, and sell a wide variety of consumer electronics equipment. Its membership includes major home computer companies, as well as every major television receiver manufacturer. In short, CEMA represents the industry responsible for bringing the benefits of the digital age to the American public.

¹ See *Electronic Filing of Documents in Rulemaking Proceedings*, Notice of Proposed Rule Making, GC Docket No. 97-113, FCC 97-113 (released Apr. 7, 1997) [hereinafter "*Notice*"].

As the digital revolution enables Americans to communicate and share ideas in ever more effective and innovative ways so, too, does it fundamentally alter the relationship between American citizens and their government. The growth of the internet allows Americans unprecedented opportunity to participate directly in the governmental process, thus empowering government to more effectively serve the public.

CEMA recognizes that the proposals set forth in the *Notice* are the most recent of a long series of initiatives by the Commission to take full advantage of new communications technologies. We note that the Commission already maintains on its World Wide Web site an extensive and invaluable repository of information on its proceedings, along with electronic mailboxes to accept informal comments. Furthermore, the Commission has facilitated the use of electronic data submission and bidding in relation to spectrum auctions, and has encouraged parties to major proceedings to file comments on diskette to be later posted to the web. CEMA commends the Commission for its aggressive commitment to leading government into the digital age.

CEMA now wholeheartedly endorses the Commission's tentative decision to allow comments to be filed in an electronic format in all rulemaking proceedings, other than broadcast allotment proceedings. The initiation of electronic filing serves a manifest public interest by promoting increased participation in FCC proceedings for the 40 million (and growing) Americans with access to the global internet.²

We recognize that the initiation of electronic filing raises a host of novel administrative and implementation issues. As the Commission considers these matters, CEMA suggests that the procedures established to govern electronic filing be made to track closely those

² *Id.* at 8.

rules currently in place regarding paper comments. For example, we agree with the Commission's proposal that the recorded filing date for electronically filed comments should be the date such comments are received by the FCC.³ In short, wherever possible, electronically filed comments should be subject to the same requirements and treatment as paper comments.

Similarly, at this time we have no reason to foresee that special encryption or security measures will be required to ensure the authenticity of electronically filed comments.. The current system for ensuring the authenticity of comments filed on paper -- *i.e.*, requiring commenters to provide basic identifying information on their comments and then relying on the parties to identify forgeries -- would appear to be effective with regard to digital comments as well. Nor do we see an immediate need for the Commission to implement any special procedures to discourage frivolous or abusive filings. The Commission's current authority to reject such filings should be more than adequate to address this issue.

As the Commission itself notes, its tentative decision to allow electronic filing constitutes a "pilot program."⁴ The Commission is free to establish additional rules regarding security or other issues if experience finds them to be warranted. Similarly, should the electronic filing initiative set forth in the *Notice* succeed as expected, CEMA would encourage the Commission to further broaden public access by sanctioning electronic filing of pleadings in proceedings other than notice and comment rulemaking. In addition, we encourage the Commission to proceed with the replacement of its existing Record Image Processing System with an electronic processing

³ *Id.* at 19.


⁴ *See id.* at 1 n.2.

system that will allow the American public to conveniently search for and download comments and other filings free of charge.

In sum, CEMA strongly supports the Commission's conclusion that allowing parties to file comments electronically in FCC notice and comment rulemaking proceedings advances the public interest. As the representative of the technology industry, we commend the Commission for its use of technology to bring itself closer and more accessible to the American people.

Respectfully submitted,

CONSUMER ELECTRONICS
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